

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GINA O. MORALDI,
Plaintiff,
vs.
UNITED STATES OF AMERICA,
Defendant.

Case No. 2:07-cv-00927-JCM-GWF

ORDER

Motion for Service by Publication - #29

UNITED STATES OF AMERICA,
Counterclaim Plaintiff,
vs.
GINA O. MORALDI
Counterclaim Defendant,
and
KENNETH L. HASKEW; VERNON L. PEDEN;
and DAVID D. STERNS,
Additional Defendants on Counterclaim.

This matter is before the Court on Defendant/Counterclaim Plaintiff's Motion for Service by Publication of Defendant Kenneth Haskew (#29), filed on June 30, 2008.

Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is held are followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown, the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff must prove

1 this to the satisfaction of the court either by affidavit or by a verified complaint. The Nevada Supreme
2 Court has held that there is no objective, formulaic standard for determining what is, or is not, due
3 diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999).


4 Defendant/Counterclaim Plaintiff has shown by their motion and affidavit that, after due
5 diligence, Defendant Kenneth Haskew's present address cannot be found. Defendant/Counterclaim
6 Plaintiff has demonstrated due diligence in attempting service that would warrant permitting service by
7 publication. Accordingly,

8 **IT IS HEREBY ORDERED** that Defendant/Counterclaim Plaintiff's Motion for Service by
9 Publication of Defendant Kenneth Haskew (#29) is **granted**. Defendant Kenneth Haskew may be
10 served by Defendant/Counterclaim Plaintiff through publication of the summons and complaint in this
11 case at least once a week for four (4) consecutive weeks in a newspaper of general circulation published
12 in Las Vegas, Nevada.

13 **IT IS FURTHER ORDERED** that Plaintiffs shall have until **August 15, 2008**, to complete
14 service upon Defendant Kenneth Haskew.

15 **IT IS FURTHER ORDERED** that the parties have thirty (30) days from the entry of this Order
16 to submit their proposed Discovery Plan and Scheduling Order.

17 DATED this 1st day of July, 2008.

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20 **GEORGE FOLEY, JR.**
21 **UNITED STATES MAGISTRATE JUDGE**
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